

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CORTEZ L. TOLIVER,

Plaintiff,

v.

Case No. 20-CV-575

LT. TRITT *et al.*,

Defendants.

ORDER ON DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

On November 23, 2020, the defendants filed a motion for summary judgment on the merits. (ECF No. 51.) The court issued an order on November 24, 2020 explaining to Toliver that he had until December 23, 2020 to file a response or request additional time. (ECF No. 57.) The court warned Toliver that if he failed to respond or request additional time by that deadline, the court would grant the defendants' motion for summary judgment and dismiss the case.

On December 2, 2020, Toliver filed a motion for extension of time, (ECF No. 58), which the court granted, giving him until January 22, 2021 to file a response (ECF No. 59.) On January 25, 2021, Toliver filed another motion for extension of time, (ECF No. 61), which the court granted, giving him until February 26, 2021. On February 23, 2021, Toliver filed a third extension of time (ECF No. 62), which the court granted giving him until March 26, 2021. The court also warned Toliver

that it was unlikely to grant any additional extensions of time absent a showing of good cause.

The March 26, 2021 deadline has passed, and Toliver still has not filed a response. As such, the court will construe the motion as unopposed. The court has reviewed the defendants' motion, brief in support, and the undisputed facts, *see* Fed. R. Civ. P. 56(e)(2), and concludes that the defendants are entitled to summary judgment. Accordingly, the defendants' motion is granted, and the case is dismissed.

IT IS THEREFORE ORDERED that that the defendants' motion for summary judgment (ECF No. 51) is **GRANTED**.

IT IS FURTHER ORDERED that this case is **DISMISSED**. The Clerk of Court will enter judgment accordingly.

This order and the judgment to follow are final. A dissatisfied party may appeal this court's decision to the Court of Appeals for the Seventh Circuit by filing in this court a notice of appeal within **30 days** of the entry of judgment. *See* Federal Rule of Appellate Procedure 3, 4. This court may extend this deadline if a party timely requests an extension and shows good cause or excusable neglect for not being able to meet the 30-day deadline. *See* Federal Rule of Appellate Procedure 4(a)(5)(A).

Under certain circumstances, a party may ask this court to alter or amend its judgment under Federal Rule of Civil Procedure 59(e) or ask for relief from judgment under Federal Rule of Civil Procedure 60(b). Any motion under Federal Rule of Civil Procedure 59(e) must be filed within **28 days** of the entry of judgment.

The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2). Any motion under Federal Rule of Civil Procedure 60(b) must be filed within a reasonable time, generally no more than one year after the entry of the judgment. The court cannot extend this deadline. *See* Federal Rule of Civil Procedure 6(b)(2).

A party is expected to closely review all applicable rules and determine what, if any, further action is appropriate.

Dated at Milwaukee, Wisconsin this 8th day of April, 2021.

BY THE COURT.

A handwritten signature in blue ink, appearing to read "Nancy Joseph", is written over the printed name.

NANCY JOSEPH
United States Magistrate Judge